

K4UATALCps

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 -----x

4 UNITED STATES OF AMERICA,

5 v.

20-cr-233 (JFK)

6 MILESH TALREJA,

7 Defendant.

Conference

8 -----x
9 New York, N.Y.
(via telephone)

10 April 30, 2020
1:00 p.m.

11 Before:

12 HON. JOHN F. KEENAN

13 District Judge

14 APPEARANCES

15 GEOFFREY S. BERMAN
16 United States Attorney for the
17 Southern District of New York
18 BY: ALEXANDER N. LI, ESQ.
19 Assistant United States Attorney

20 PHILLIPS NIZER LLP
21 Attorneys for Defendant
22 BY: ILENE B. JAROSLAW, ESQ.
23 ALISHA L. McCARTHY, ESQ.

24 Also Present: Dayshawn Bostic
25 Pretrial Services Officer
Jessica Velez
U.S. Probation Officer

K4UATALCps

1 (Via telephone)

2 THE COURT: Hello. Judge Keenan. All right. As I
3 understand it, this is a rather awkward way to do business and
4 to practice law, but anyhow, we're trying.

5 All right. This is a conference call. And it
6 involves the matter of the United States of America against
7 Milesh Talreja, which is Indictment No. 20 Criminal 233. I
8 hope that on the phone call here we have, first of all,
9 Ms. Ilene Jaroslaw, who is the counsel for the defendant. Are
10 you on the phone, Ms. Jaroslaw?

11 MS. JAROSLAW: Yes, your Honor, I am. I'm also here
12 with --

13 THE COURT: OK. Let me just get all the appearances,
14 please.

15 MS. JAROSLAW: Sure.

16 THE COURT: OK. As I said, this is an awkward way of
17 doing business.

18 All right. Is Alexander Li on, the assistant U.S.
19 attorney?

20 MR. LI: Yes, your Honor, I am on.

21 THE COURT: Thank you. Is Dayshawn Bostic on, the
22 pretrial services officer?

23 MR. BOSTIC: Yes, your Honor, I'm on the call.

24 THE COURT: Thank you very much. Good. All right.

25 And my law clerk, Mr. Luke Ryan, is on. And I believe

K4UATALCps

1 my courtroom deputy, Mr. William Ryan --

2 THE LAW CLERK: Yes, Judge.

3 THE COURT: -- no relation to Luke Ryan, is on the
4 phone.

5 THE CLERK: Yes, judge.

6 THE COURT: And do we have a court reporter?

7 Hello? Do we have a court reporter?

8 THE COURT REPORTER: Yes, you do, your Honor. It's
9 Paula Speer.

10 THE COURT: All right. How are you, Ms. Speer? Thank
11 you very much for doing this. I know this is a very difficult
12 way for you to operate, but I appreciate it very much, as do
13 the lawyers.

14 Is there anyone else on the call?

15 MS. VELEZ: Yes, your Honor. Jessica Velez with
16 probation.

17 THE COURT: Good. OK. Fine. Thank you.

18 Did the court reporter get that appearance?

19 THE COURT REPORTER: Yes, your Honor, I did.

20 THE COURT: Thank you. All right.

21 So, Ms. Jaroslaw, tell me what you wanted to tell me,
22 because you requested the conference, and we're having the
23 conference on the telephone, at 1 o'clock on April the 30th of
24 2020. And we're doing it by phone because of the situation
25 with Covid-19, the coronavirus. And obviously the defendant

K4UATALCps

1 isn't present, because we haven't been able to find him for a
2 while. But you wanted to bring something to my attention and
3 to the attention of the government and probation and pretrial
4 services. So go ahead, Ms. Jaroslaw.

5 MS. JAROSLAW: Yes, your Honor. Just to be clear, it
6 was Assistant Attorney Li who requested the conference.

7 THE COURT: Thank you for correcting me.

8 MS. JAROSLAW: Sure.

9 THE COURT: I misunderstood.

10 All right. Thank you, Mr. Li, for requesting the
11 conference.

12 OK. So, well, I frankly -- you should know this,
13 Ms. Jaroslaw. Nobody asked for it before I decided yesterday,
14 having read the materials submitted to me -- I'm speaking from
15 home -- I had decided to tell probation and the government to
16 request a warrant, because he failed to be in touch with
17 pretrial services. In a letter to me dated April -- not a
18 letter, but a memo to me dated April 24th, Dayshawn Bostic
19 pointed out that pretrial services has made several
20 unsuccessful attempts to reach the defendant, and that also he
21 pointed out to me that they were unable to contact the
22 defendant. I should say that his sister, Candace McKaye,
23 advised pretrial services that she hadn't been in contact with
24 the defendant for over two weeks.

25 So anyhow, I'm addressing you, Ms. Jaroslaw. What is

K4UATALCps

1 the situation? Where is he? Why hasn't he been in touch with
2 pretrial services, as he was supposed to do? And I didn't set
3 the bail. One of the magistrates set the bail here. What's
4 the status of this fellow?

5 MS. JAROSLAW: Your Honor, those are all very good
6 questions. I last spoke to Mr. Talreja the first week of
7 April, and at that time he was in his apartment in New York
8 City. I've since reached out to him via e-mail, text, phone
9 call, and also through the mother-in-law and sister.

10 I can infer that he's received my messages because he
11 wrote a lengthy e-mail to AUSA Li last evening. And I've
12 reviewed that. And as I said when I forwarded that to the
13 Court this morning, it's fairly self-explanatory.

14 I don't have any further information.

15 THE COURT: I haven't seen the e-mail. So what's in
16 that e-mail? What does he say?

17 MS. JAROSLAW: Well, it's rather --

18 THE COURT: I'll let Mr. Li tell me what's in the
19 e-mail.

20 MS. JAROSLAW: OK, sure.

21 THE COURT: Why don't I let Mr. Li tell me what's in
22 the e-mail, and then I'll hear what he wants and I'll hear what
23 you want, because he requested the conference. Go ahead,
24 Mr. Li.

25 MR. LI: Yes, your Honor. So we received an e-mail

K4UATALCps

1 late last night dated April 30, 2020, at 12:54 a.m., so late
2 yesterday evening. It's a lengthy e-mail from Mr. Talreja
3 addressed to me, and it's from Mr. Talreja's Gmail address,
4 which I believe is the same Gmail address through which
5 pretrial services has been attempting to contact the defendant.

6 The letter is lengthy, but in sum and substance, it
7 states that he has been unable to get the two required
8 co-signers, and as a result of his inability to get the two
9 required co-signers, he, as he put it, went to ground while
10 attempting to locate appropriate co-signers.

11 THE COURT: He went to ground? What do you mean?

12 MR. LI: Yes.

13 THE COURT: He absconded?

14 MR. LI: He writes -- I'll just read it directly.
15 This is the third paragraph. "I have been unresponsive to
16 pretrial services because I have struggled to locate two
17 co-signers for my bond who are based in the United States.
18 Because of this I panicked and went to ground while attempting
19 to locate sureties. I have been thus far unsuccessful not
20 least because of the Covid-19 pandemic and the fact that a
21 proposed signer has recently become unemployed due to the
22 circumstances of the pandemic."

23 He goes on at length to make various suggestions for
24 potential co-signers and essentially asks for leniency and to
25 state that --

K4UATALCps

1 THE COURT: What do you say he --

2 MR. LI: Asks for leniency.

3 THE COURT: OK. Sorry. Go ahead.

4 MR. LI: And he states in his last paragraph that --
5 and I quote -- "I will of course dial in to any hearing set by
6 the courts. I would appreciate it if you could let me know
7 your position with respect to the sureties as soon as
8 possible." And he signs off.

9 The e-mail I did not respond to, because he is of
10 course represented by counsel. I immediately forwarded that
11 e-mail to Ms. Jaroslaw, who in turn sent it to the Court. So
12 it is in the Court's possession as well if the Court wants to
13 review it.

14 THE COURT: OK. You forwarded a copy of that to my
15 chambers, I take it.

16 MS. JAROSLAW: Yes, I did, your Honor.

17 MR. LI: Yes. Ms. Jaroslaw forwarded it.

18 THE COURT: OK. You both did, apparently. All right.

19 So do you have any application or request or
20 suggestion, Mr. Li?

21 MR. LI: Yes, your Honor. At this point the
22 government would request a bench warrant be issued for the
23 defendant's arrest. This morning, my understanding is that
24 both the defense counsel and pretrial services have made
25 multiple attempts to contact the defendant, including at the

K4UATALCps

1 same e-mail address by which he wrote me yesterday evening. So
2 I think we can fairly infer that he received the messages. I
3 know pretrial services attempted to provide him, through those
4 communications, the dial-in information for this conference
5 call. And the fact is that he is not here today, even though
6 he stated in his e-mail that he would show to any conference
7 order by the Court.

8 I think that, taken in combination with the multiple
9 violations of the conditions of his pretrial release, most
10 importantly his complete failure to respond at all to pretrial
11 services for over a month, and frankly to his counsel, which is
12 troubling in and of itself -- in addition, we believe that
13 there is an Australian passport that is outstanding. He,
14 through counsel, stated that he --

15 THE COURT: Wasn't it surrendered?

16 MR. LI: Your Honor, at the time of his bail being
17 set, he was, at that time, he had been detained on consent at
18 the MCC, and after he pleaded guilty, he was released on bail.
19 At that time --

20 THE COURT: The crime to which he pleaded guilty is a
21 bank fraud?

22 MR. LI: Yes, your Honor.

23 THE COURT: See, I don't know anything about this case
24 because it was resolved on by the magistrate. Normally, as I
25 think you know, I take my own pleas. I don't have the

K4UATALCps

magistrate get involved at all. But because of the unique situation that we're undergoing because of the virus, apparently there was a waiver and a permission, without my knowing it, for the plea to be taken by the magistrate. OK. I didn't know that, and I didn't approve it or disapprove it. It just happened, without any knowledge by me, or on my part.

In any event, the crime to which he pleaded is some kind of bank fraud. What essentially is the case about?

MR. LI: Yes, your Honor.

THE COURT: I don't have anything other than the pretrial services notice from Mr. Bostic. Go ahead.

MR. LI: Yes, your Honor. In essence what happened is, the defendant walked into a JPMorgan Chase Bank branch. He presented a check that was written out for the amount of \$500,000.

THE COURT: 500,000.

MR. LI: Yes, your Honor. A \$500,000 check drawn on an account that he held at Bank of America. The check, according to the defendant, he intended to -- his purpose in presenting this check was to get a credit card or multiple credit cards from JPMorgan Chase, and they wanted to see that he had funds in his bank account before they would extend him credit.

In all events, the Bank of America account from which the check was drawn did not have anywhere close to \$500,000.

K4UATALCps

1 It only had a few thousand dollars. And the check eventually
2 bounced. Before it bounced, however, JPMorgan extended -- they
3 made available to him, in his deposit account, more than a
4 hundred thousand dollars, which he promptly transferred into
5 other bank accounts and withdrew. All told, he was able to
6 take out about \$120,000, even though the check ultimately
7 bounced and was not able to recover really any money from that
8 source, Bank of America.

9 THE COURT: And he pleaded guilty.

10 MR. LI: And he pleaded guilty. So, in essence, this
11 is a bad check.

12 THE COURT: Thank you very much.

13 All right. And so you want a warrant.

14 Ms. Jaroslaw, what do you have to say?

15 Hello? Ms. Jaroslaw? Hello?

16 MS. JAROSLAW: Hello. Can you hear me? Can you hear
17 me?

18 THE COURT: I hear you, yes.

19 MS. JAROSLAW: OK. Good.

20 What I would propose, your Honor, is that we wait
21 until 4 o'clock to issue the warrant. And this is my reason.
22 Mr. Talreja wrote to Mr. Li in the middle of the night. And
23 Mr. Talreja has some, you know, some issues with his mental
24 health. And I can absolutely see a situation where he was up
25 most of the night, slept in, and did not yet check his e-mail.

K4UATALCps

1 Further, Mr. Li can't confirm this, but he has
2 information that my client may be in Los Angeles, in which case
3 it's a little bit after 10 in the morning in Los Angeles, and
4 it would not be strange if he had not yet checked the e-mail.

5 THE COURT: It would have been 10 at night, not 10 in
6 the morning, 10 at night, last night when he made the call, is
7 what you're saying. It would be 10 at night.

8 MS. JAROSLAW: Yes. If in fact he's in Los Angeles --
9 you know, we don't know. We don't know if he was up late in
10 New York or if he sent it at 10 at night in California. Either
11 way, it was only a few hours ago that I e-mailed him with the
12 dial-in information, and the same with pretrial services. So
13 it's certainly possible he has not seen the e-mail to call in.

14 So, your Honor, I would simply ask for two or three
15 more hours to attempt to reach him.

16 THE COURT: Let me ask you this. Let me ask you this.
17 Did, at the time -- which magistrate set the bail here?

18 MS. JAROSLAW: Magistrate Cave, your Honor.

19 THE COURT: At the time the magistrate set the bail,
20 was there a provision that he wasn't to leave the Southern
21 District of New York?

22 MS. JAROSLAW: The Southern and Eastern Districts of
23 New York. And both pretrial and I went over that with him.

24 THE COURT: OK. All right. I don't see any problem
25 waiting until 3 o'clock, not 4 o'clock, because 4 o'clock is a

K4UATALCps

1 little late. If we don't hear --

2 MS. JAROSLAW: Thank you, your Honor.

3 THE COURT: If we don't hear from him by 3 o'clock and
4 find out where he is, a warrant is to be issued. The warrant
5 is stayed until 3 p.m. this afternoon, which is Eastern
6 Daylight Time.

7 MS. JAROSLAW: Thank you, your Honor.

8 THE COURT: But if nobody hears from him, the warrant
9 is to issue.

10 If we hear from him, he is to report immediately to
11 pretrial services, to Mr. Bostic. He has your phone number,
12 correct, Mr. Bostic?

13 MR. BOSTIC: That is correct. He has my phone number.
14 He has my cellphone number and my e-mail address.

15 THE COURT: All right. So if you hear from him,
16 Ms. Jaroslaw, he is to immediately contact Mr. Bostic -- not in
17 a half hour, not in ten minutes, but immediately, as soon as he
18 gets off the phone from you or the e-mail from you. Do you
19 understand that?

20 MS. JAROSLAW: I do, your Honor. And I will impress
21 that upon my client.

22 THE COURT: Yes. Otherwise the warrant issues.

23 If there's anything that anybody has to inform me
24 about, let Mr. Ryan, Luke Ryan, my law clerk, know, and he will
25 tell me what is going on. But as of now, the warrant is stayed

1 K4UATALCps

2 until 3 o'clock. And the warrant will issue at 3 o'clock.

3 Thank you very much, everybody. Is there anything
else that anybody wants to say?

4 MR. LI: Nothing from the government, your Honor.

5 MS. JAROSLAW: Not from the defense.

6 MR. BOSTIC: Your Honor.

7 MS. JAROSLAW: Thank you, your Honor.

8 MR. BOSTIC: This is pretrial services. We would
9 respectfully like to recommend that the defendant be placed on,
10 if he does contact us, that he be placed on standalone GPS
11 monitoring, if he does contact us today.

12 THE COURT: OK. That request is granted. Yes.

13 MR. BOSTIC: Perfect. Thank you.

14 THE COURT: That request is granted.

15 All right. Anything else from anybody?

16 MR. LI: No, your Honor.

17 MS. JAROSLAW: No, your Honor.

18 THE COURT: Thank you all very much.

19 And my thanks to the court reporter for doing this
20 under these difficult circumstances.

21 THE COURT REPORTER: You're welcome, your Honor.

22 THE COURT: Mr. Luke Ryan is going to call you in
chambers in about three minutes, so stand by, please. Thank
23 you. Bye now.

24 MR. LI: Thank you very much.

25 MS. JAROSLAW: Bye, everyone.
oo